

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FLEMING COMPANIES, INC.)	CASE NO. C-1-01-088
)	
Plaintiff,)	JUDGE BECKWITH
)	
v.)	Magistrate Judge Hogan
)	
KENNETH L. BARBOUR, et al.)	MOTION FOR ORDER OF
)	APPEARANCE OF JUDGMENT
Defendants.)	DEBTOR MARK A. BARBOUR FOR
)	EXAMINATION AS TO PROPERTY
)	SUBJECT TO EXECUTION

Fleming Companies, Inc., the Plaintiff in the above-entitled action and in whose favor a \$722,643.18 judgment was rendered against Mark A. Barbour, one of the Defendants above, by its undersigned attorney, moves the Court for an order requiring judgment debtor Mark A. Barbour to appear before this Court forthwith for examination regarding the later party's property subject to execution within the State of Ohio.

The ground for this Motion is the judgment debtor Mark A. Barbour is subject to such examination herein under the circumstances set out in the attached supporting Affidavit pursuant to Rule 69(a) of the Federal Rules of Civil Procedure by virtue of R.C. 2333.09 governing practice and procedure and supplementary proceedings in aid of execution of money judgments.

This Motion is based upon the attached Affidavit and on all of the pleadings, records, and papers on file in this action.

Respectfully submitted,

/s/ Robert J. McBride
Robert J. McBride (#0065422)
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Attorney for Plaintiff
Fleming Companies, Inc.

PROOF OF SERVICE

A copy of the foregoing Motion for Order of Appearance of Judgment Debtor Mark A. Barbour for Examination as to Property Subject to Execution was served this 19th day of December, 2003, by regular U.S. mail upon the following:

Kenneth L. Barbour
245 Barbour Drive
Aberdeen, Ohio 45101

Regina Barbour
245 Barbour Drive
Aberdeen, Ohio 45101

Mark A. Barbour
1834 Stivers Avenue
Aberdeen, Ohio 45101

Jennifer Barbour
1834 Stivers Avenue
Aberdeen, Ohio 45101

Reva J. Boone
7174 U.S. Route 52
Ripley, Ohio 45167

Clyde's of Ohio, Inc.
U.S. Route 52 and Huntington Parkway
Aberdeen, Ohio 45101

Clyde's of Kentucky, Inc.
1200 Forest Avenue
Maysville, KY 41056

/s/ Robert J. McBride
Robert J. McBride